

A bill for an act

relating to elections; changing or establishing certain voter registration procedures and requirements, filing requirements, voting procedures, election day prohibitions, ballot preparation requirements, and other election provisions; requiring a report; imposing penalties; amending Minnesota Statutes 2006, sections 103C.305, subdivision 3; 135A.17, subdivision 2; 201.054, subdivision 1, by adding a subdivision; 201.056; 201.061, subdivisions 3, 4; 201.071, subdivisions 3, 4; 201.081; 201.091, subdivisions 1, 8; 201.171; 201.27, subdivision 1; 203B.04, subdivisions 1, 4; 203B.05, subdivision 2; 203B.07; 203B.08, subdivision 3; 203B.081; 203B.10; 203B.13, subdivisions 1, 2; 204B.06, subdivision 8; 204B.08, subdivision 3; 204B.09; 204B.16, subdivision 1; 204B.45, subdivision 2; 204C.06, subdivision 1; 204C.07, subdivision 3a; 205.10, by adding a subdivision; 205.16, subdivision 4; 205A.05, by adding a subdivision; 205A.07, subdivisions 3, 3a; 205A.10, subdivision 1; 205A.11, subdivision 2; 206.82, subdivision 2; 206.89, subdivisions 1, 5; 211A.02, subdivision 2; 211A.05, subdivision 1; Laws 2004, chapter 293, article 1, section 37, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 201; repealing Minnesota Statutes 2006, sections 203B.02, subdivision 1a; 203B.13, subdivision 3a.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

ARTICLE 1

ELECTIONS AND VOTING

Section 1. Minnesota Statutes 2006, section 135A.17, subdivision 2, is amended to read:

Subd. 2. **Residential housing list.** All postsecondary institutions that enroll students accepting state or federal financial aid may prepare a current list of students enrolled in the institution and residing in the institution's housing or within ten miles of the institution's campus. The list shall include each student's current address. The list shall be certified and sent to the appropriate county auditor or auditors for use in election day registration as provided under section 201.061, subdivision 3. A residential housing list

provided under this subdivision may not be used or disseminated by a county auditor or the secretary of state for any other purpose.

Sec. 2. Minnesota Statutes 2006, section 201.054, is amended by adding a subdivision to read:

Subd. 3. Prohibited methods of compensation; penalty. (a) No individual may be compensated for the solicitation, collection, or acceptance of voter registration applications from voters for submission to the secretary of state, a county auditor, or other local election official in a manner in which payment is calculated by multiplying (1) either a set or variable payment rate, by (2) the number of voter registration applications solicited, collected, or accepted.

(b) No individual may be deprived of compensation or have compensation automatically reduced exclusively for failure to solicit, collect, or accept a minimum number of voter registration applications, and no individual may receive additional compensation for reaching or exceeding a minimum number of voter registration applications.

(c) A person who violates this subdivision is guilty of a petty misdemeanor.

Sec. 3. Minnesota Statutes 2006, section 201.056, is amended to read:

201.056 SIGNATURE OF REGISTERED VOTER; MARKS ALLOWED.

An individual who is unable to write the individual's name shall be required to sign a registration card by making the individual's mark application in the manner provided by section 645.44, subdivision 14. If the individual registers in person and signs by making a mark, the clerk or election judge accepting the registration shall certify the mark by signing the individual's name. If the individual registers by mail and signs by making a mark, the mark shall be certified by having a voter registered in the individual's precinct sign the individual's name and the voter's own name and give the voter's own address.

Sec. 4. Minnesota Statutes 2006, section 201.061, subdivision 3, is amended to read:

Subd. 3. Election day registration. (a) An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration application, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove residence for purposes of registering by:

(1) presenting a driver's license or Minnesota identification card issued pursuant to section 171.07;

3.1 (2) presenting any document approved by the secretary of state as proper
3.2 identification;

3.3 (3) presenting one of the following:

3.4 (i) a current valid student identification card from a postsecondary educational
3.5 institution in Minnesota, if a list of students from that institution has been prepared under
3.6 section 135A.17 and certified to the county auditor in the manner provided in rules of
3.7 the secretary of state; or

3.8 (ii) a current student fee statement that contains the student's valid address in the
3.9 precinct together with a picture identification card; or

3.10 (4) having a voter who is registered to vote in the precinct, or who is an employee
3.11 employed by and working in a residential facility in the precinct and vouching for a
3.12 resident in the facility, sign an oath in the presence of the election judge vouching that the
3.13 voter or employee personally knows that the individual is a resident of the precinct. A
3.14 voter who has been vouched for on election day may not sign a proof of residence oath
3.15 vouching for any other individual on that election day. A voter who is registered to vote in
3.16 the precinct may sign up to 15 proof-of-residence oaths on any election day. This limitation
3.17 does not apply to an employee of a residential facility described in this clause. The
3.18 secretary of state shall provide a form for election judges to use in recording the number
3.19 of individuals for whom a voter signs proof-of-residence oaths on election day. The
3.20 form must include space for the maximum number of individuals for whom a voter may
3.21 sign proof-of-residence oaths. For each proof-of-residence oath, the form must include
3.22 a statement that the voter is registered to vote in the precinct, personally knows that the
3.23 individual is a resident of the precinct, and is making the statement on oath. The form must
3.24 include a space for the voter's printed name, signature, telephone number, and address.

3.25 The oath required by this subdivision and Minnesota Rules, part 8200.9939, must
3.26 be attached to the voter registration application ~~and the information on the oath must be~~
3.27 ~~recorded on the records of both the voter registering on election day and the voter who~~
3.28 ~~is vouching for the person's residence, and entered into the statewide voter registration~~
3.29 ~~system by the county auditor when the voter registration application is entered into that~~
3.30 ~~system.~~

3.31 (b) The operator of a residential facility shall prepare a list of the names of its
3.32 employees currently working in the residential facility and the address of the residential
3.33 facility. The operator shall certify the list and provide it to the appropriate county auditor
3.34 no less than 20 days before each election for use in election day registration.

3.35 (c) "Residential facility" means transitional housing as defined in section 256E.33,
3.36 subdivision 1; a supervised living facility licensed by the commissioner of health under

section 144.50, subdivision 6; a nursing home as defined in section 144A.01, subdivision 5; a residence registered with the commissioner of health as a housing with services establishment as defined in section 144D.01, subdivision 4; a veterans home operated by the board of directors of the Minnesota Veterans Homes under chapter 198; a residence licensed by the commissioner of human services to provide a residential program as defined in section 245A.02, subdivision 14; a residential facility for persons with a developmental disability licensed by the commissioner of human services under section 252.28; group residential housing as defined in section 256I.03, subdivision 3; a shelter for battered women as defined in section 611A.37, subdivision 4; or a supervised publicly or privately operated shelter or dwelling designed to provide temporary living accommodations for the homeless.

(d) For tribal band members, an individual may prove residence for purposes of registering by:

(1) presenting an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, address, signature, and picture of the individual; or

(2) presenting an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, signature, and picture of the individual and also presenting one of the documents listed in Minnesota Rules, part 8200.5100, subpart 2, item B.

(e) A county, school district, or municipality may require that an election judge responsible for election day registration initial each completed registration application.

Sec. 5. [201.1612] VOTER REGISTRATION; GAME AND FISH LICENSE APPLICATIONS.

All applications for a game and fish license issued by the commissioner of natural resources must also be designed to serve as a voter registration application. The application must include a space for the applicant to confirm their eligibility and to indicate a desire to be registered to vote upon submission of the application. Information on applicants who indicate a desire to be registered to vote must be submitted at least weekly by electronic means to the secretary of state. An applicant who does not desire to be registered to vote is not required to provide the additional information relating to voter registration as provided by this paragraph.

EFFECTIVE DATE. This section is effective June 1, 2009.

Sec. 6. Minnesota Statutes 2006, section 201.171, is amended to read:

**201.171 POSTING VOTING HISTORY; FAILURE TO VOTE;
REGISTRATION REMOVED.**

Within six weeks after every election, the county auditor shall post the voting history for every person who voted in the election. After the close of the calendar year, the secretary of state shall determine if any registrants have not voted during the preceding four years. The secretary of state shall perform list maintenance by changing the status of those registrants to "inactive" in the statewide registration system. The list maintenance performed must be conducted in a manner that ensures that the name of each registered voter appears in the official list of eligible voters in the statewide registration system. A voter must not be removed from the official list of eligible voters unless the voter is not eligible or is not registered to vote. List maintenance must include procedures for eliminating duplicate names from the official list of eligible voters.

The secretary of state shall also prepare a report to the county auditor containing the names of all registrants whose status was changed to "inactive."

Registrants whose status was changed to "inactive" must register in the manner specified in section 201.054 before voting in any primary, special primary, general, school district, or special election, as required by section 201.018.

Although not counted in an election, a late or rejected absentee or mail ballot must be considered a vote for the purpose of continuing registration.

Sec. 7. Minnesota Statutes 2006, section 203B.07, is amended to read:

**203B.07 RETURN AND BALLOT ENVELOPES; DIRECTIONS TO
VOTERS.**

Subdivision 1. **Delivery of envelopes, directions.** The county auditor or the municipal clerk shall prepare, print, and transmit a return envelope, a ballot envelope, and a copy of the directions for casting an absentee ballot to each applicant whose application for absentee ballots is accepted pursuant to section 203B.04. The county auditor or municipal clerk shall provide first class postage for the return envelope. The directions for casting an absentee ballot shall be printed in at least 14-point bold type with heavy leading and may be printed on the ballot envelope. When a person requests the directions in Braille or on cassette tape, the county auditor or municipal clerk shall provide them in the form requested. The secretary of state shall prepare Braille and cassette copies and make them available.

When a voter registration card is sent to the applicant as provided in section 203B.06, subdivision 4, the directions on the registration card shall include instructions for registering to vote.

Subd. 2. **Design of envelopes.** The return envelope shall be of sufficient size to conveniently enclose and contain the ballot envelope and a folded voter registration card ~~folded along its perforations application~~. The return envelope shall be designed to open on the left-hand end. ~~Notwithstanding any rule to the contrary, If the voter was not previously~~ registered, the return envelope must be designed in one of the following ways:

(1) it must be of sufficient size to contain an additional envelope that when sealed, conceals the signature, identification, and other information; or

(2) it must provide an additional flap that when sealed, conceals the signature, identification, and other information.

Election officials may open the flap or the additional envelope at any time after receiving the returned ballot to inspect the returned certificate for completeness or to ascertain other information.

Subd. 3. **Eligibility certificate.** A certificate of eligibility to vote by absentee ballot shall be printed on the back of the return envelope. The certificate shall contain a statement to be signed and sworn by the voter indicating that the voter meets all of the requirements established by law for voting by absentee ballot. The certificate shall also contain a statement signed by a person who is registered to vote in Minnesota or by a notary public or other individual authorized to administer oaths stating that:

~~(a)~~ (1) the ballots were displayed to that individual unmarked;

~~(b)~~ (2) the voter marked the ballots in that individual's presence without showing how they were marked, or, if the voter was physically unable to mark them, that the voter directed another individual to mark them; and

~~(c)~~ (3) if the voter was not previously registered, the voter has provided proof of residence as required by section 201.061, subdivision 3.

~~The county auditor or municipal clerk shall affix first class postage to the return envelopes.~~

EFFECTIVE DATE. This section is effective for elections held after June 1, 2008.

Sec. 8. Minnesota Statutes 2006, section 203B.081, is amended to read:

203B.081 LOCATIONS FOR ABSENTEE VOTING IN PERSON.

An eligible voter may vote by absentee ballot during the 30 days before the election in the office of the county auditor and at any other polling place designated by the county

auditor. The county auditor shall make such designations at least 90 days before the election. At least one voting booth in each polling place must be made available by the county auditor for this purpose. The county auditor must also make available at least one electronic ballot marker in each polling place that has implemented a voting system that is accessible for individuals with disabilities pursuant to section 206.57, subdivision 5.

Sec. 9. Minnesota Statutes 2006, section 203B.13, subdivision 1, is amended to read:

Subdivision 1. **Establishment.** The governing body of any county ~~that has established a counting center as provided in section 206.85, subdivision 2,~~ any municipality, or any school district may by ordinance or resolution, authorize an absentee ballot board. The board shall consist of a sufficient number of election judges appointed as provided in sections 204B.19 to 204B.22.

Sec. 10. Minnesota Statutes 2006, section 203B.13, subdivision 2, is amended to read:

Subd. 2. **Duties.** The absentee ballot board may ~~do any of the following:~~
~~(a) receive from each precinct in the municipality or school district all ballot envelopes marked "Accepted" by the election judges; provided that the governing body of a municipality or the school board of a school district may authorize the board to examine all return absentee ballot envelopes and receive~~ accept ~~or reject absentee ballots in the manner provided in section 203B.12;~~
~~(b) open and count the absentee ballots, tabulating the vote in a manner that indicates each vote of the absentee voter and the total absentee vote cast for each candidate or question in each precinct; or~~
~~(c) report the vote totals tabulated for each precinct.~~

The absentee ballot board may begin the process of examining the return envelopes and marking them "accepted" or "rejected" at any time during the 30 days before the election. If an envelope has been rejected at least five days before the election, the ballots in the envelope must be considered spoiled ballots and the official in charge of the absentee ballot board shall provide the voter with a replacement absentee ballot and return envelope in place of the spoiled ballot. ~~The secretary of state shall provide samples of the replacement ballot and return envelope for use by the county auditor.~~

EFFECTIVE DATE. This section is effective for elections held after June 1, 2008.

Sec. 11. Minnesota Statutes 2006, section 204B.09, is amended to read:

204B.09 TIME AND PLACE OF FILING AFFIDAVITS AND PETITIONS.

Subdivision 1. **Candidates in state and county general elections.** (a) Except as otherwise provided by this subdivision, affidavits of candidacy and nominating petitions for county, state, and federal offices filled at the state general election shall be filed not more than 70 days nor less than 56 days before the state primary. The affidavit may be prepared and signed at any time between 60 days before the filing period opens and the last day of the filing period.

(b) Notwithstanding other law to the contrary, the affidavit of candidacy must be signed in the presence of a notarial officer or an individual authorized to administer oaths under section 358.10.

(c) This provision does not apply to candidates for presidential elector nominated by major political parties. Major party candidates for presidential elector are certified under section 208.03. Other candidates for presidential electors may file petitions on or before the state primary day pursuant to section 204B.07. Nominating petitions to fill vacancies in nominations shall be filed as provided in section 204B.13. No affidavit or petition shall be accepted later than 5:00 p.m. on the last day for filing.

(d) Affidavits and petitions for county offices ~~to be voted on in only one county shall~~ must be filed with the county auditor of that county. Affidavits and petitions for federal offices ~~to be voted on in more than one county shall~~ must be filed with the secretary of state. Affidavits and petitions for state offices must be filed with the secretary of state or with the county auditor of the county in which the candidate resides.

(e) Affidavits other than those filed pursuant to subdivision 1a must be submitted by mail or by hand, notwithstanding chapter 325L, or any other law to the contrary and must be received by 5:00 p.m. on the last day for filing.

Subd. 1a. **Absent candidates.** (a) A candidate for special district, county, state, or federal office who will be absent from the state during the filing period may submit a properly executed affidavit of candidacy, the appropriate filing fee, and any necessary petitions in person to the filing officer. The candidate shall state in writing the reason for being unable to submit the affidavit during the filing period. The affidavit, filing fee, if any, and petitions must be submitted to the filing officer during the seven days immediately preceding the candidate's absence from the state. Nominating petitions may be signed during the 14 days immediately preceding the date when the affidavit of candidacy is filed.

(b) A candidate for special district, county, state, or federal office who will be absent from the state during the entire filing period or who must leave the state for the remainder of the filing period and who certifies to the secretary of state that the circumstances constitute an emergency and were unforeseen, may submit a properly executed affidavit of candidacy by facsimile device or by transmitting electronically a scanned image of

the affidavit to the secretary of state during the filing period. The candidate shall state in writing the specific reason for being unable to submit the affidavit by mail or by hand during the filing period or in person prior to the start of the filing period. The affidavit of candidacy, filing fee, if any, and any necessary petitions must be received by the secretary of state by 5:00 p.m. on the last day for filing. If the candidate is filing for a special district or county office, the secretary of state shall forward the affidavit of candidacy, filing fee, if any, and any necessary petitions to the appropriate filing officer.

Subd. 2. **Other elections.** Affidavits of candidacy and nominating petitions for city, town or other elective offices shall be filed during the time and with the official specified in chapter 205 or other applicable law or charter, except as provided for a special district candidate under subdivision 1a. Affidavits of candidacy and applications filed on behalf of eligible voters for school board office shall be filed during the time and with the official specified in chapter 205A or other applicable law. Affidavits of candidacy and nominating petitions filed under this subdivision must be submitted by mail or by hand, notwithstanding chapter 325L, or any other law to the contrary, and must be received by the appropriate official within the specified time for the filing of affidavits and petitions for the office.

Subd. 3. **Write-in candidates.** (a) A candidate for county, state, or federal office who wants write-in votes for the candidate to be counted must file a written request with the filing office for the office sought no later than the ~~fifth~~ seventh day before the general election. The filing officer shall provide copies of the form to make the request.

(b) A candidate for president of the United States who files a request under this subdivision must include the name of a candidate for vice-president of the United States. The request must also include the name of at least one candidate for presidential elector. The total number of names of candidates for presidential elector on the request may not exceed the total number of electoral votes to be cast by Minnesota in the presidential election.

(c) A candidate for governor who files a request under this subdivision must include the name of a candidate for lieutenant governor.

EFFECTIVE DATE. This section is effective for elections held after June 1, 2008.

Sec. 12. Minnesota Statutes 2006, section 204B.16, subdivision 1, is amended to read:

Subdivision 1. **Authority; location.** The governing body of each municipality and of each county with precincts in unorganized territory shall designate by ordinance or resolution a polling place for each election precinct. Polling places must be designated and ballots must be distributed so that no one is required to go to more than one polling

place to vote in a school district and municipal election held on the same day. The polling place for a precinct in a city or in a school district located in whole or in part in the metropolitan area defined by section 200.02, subdivision 24, shall be located within the boundaries of the precinct or within ~~3,000 feet~~ one mile of one of those boundaries unless a single polling place is designated for a city pursuant to section 204B.14, subdivision 2, or a school district pursuant to section 205A.11. The polling place for a precinct in unorganized territory may be located outside the precinct at a place which is convenient to the voters of the precinct. If no suitable place is available within a town or within a school district located outside the metropolitan area defined by section 200.02, subdivision 24, then the polling place for a town or school district may be located outside the town or school district within five miles of one of the boundaries of the town or school district.

Sec. 13. Minnesota Statutes 2006, section 204B.45, subdivision 2, is amended to read:

Subd. 2. **Procedure.** Notice of the election and the special mail procedure must be given at least six weeks prior to the election. ~~No earlier~~ Not more than 20 30 days or nor later than 14 days prior to the election, the auditor shall mail ballots by nonforwardable mail to all voters registered in the town or unorganized territory. No later than 14 days before the election, the auditor must make a subsequent mailing of ballots to those voters who register to vote after the initial mailing but before the 20th day before the election. Eligible voters not registered at the time the ballots are mailed may apply for ballots as provided in chapter 203B. Ballot return envelopes, with return postage provided, must be preaddressed to the auditor or clerk and the voter may return the ballot by mail or in person to the office of the auditor or clerk. The auditor or clerk may appoint election judges to examine the return envelopes and mark them "accepted" or "rejected" during the 30 days before the election. If an envelope has been rejected at least five days before the election, the ballots in the envelope must be considered spoiled ballots and the auditor or clerk shall provide the voter with a replacement ballot and return envelope in place of the spoiled ballot. The costs of the mailing shall be paid by the election jurisdiction in which the voter resides. Any ballot received by 8:00 p.m. on the day of the election must be counted.

Sec. 14. Minnesota Statutes 2006, section 204C.06, subdivision 1, is amended to read:

Subdivision 1. **Lingering near polling place.** An individual shall be allowed to go to and from the polling place for the purpose of voting without unlawful interference. No one except an election official or an individual who is waiting to register or to vote shall stand within 100 feet of the ~~entrance to a polling place. The entrance to a polling place~~

11.1 ~~is the doorway or point of entry leading into the room or area where voting is occurring~~
11.2 building in which a polling place is located.

11.3 Sec. 15. Minnesota Statutes 2006, section 204C.07, subdivision 3a, is amended to read:

11.4 Subd. 3a. **Residence requirement.** A challenger must be a resident of this state.
11.5 Appointed challengers seeking admission to a polling place to serve in that capacity must
11.6 prove their status as a resident of this state by presenting one of the documents listed in
11.7 section 201.061, subdivision 3. Challengers need not prove residence in the precinct
11.8 in which they seek to act as a challenger.

11.9 Sec. 16. Minnesota Statutes 2006, section 205.10, is amended by adding a subdivision
11.10 to read:

11.11 Subd. 6. **Cancellation.** A special election ordered by the governing body of the
11.12 municipality on its own motion under subdivision 1 may be cancelled by motion of the
11.13 governing body, but not less than 46 days before the election.

11.14 **EFFECTIVE DATE.** This section is effective for elections held after June 1, 2008.

11.15 Sec. 17. Minnesota Statutes 2006, section 205.16, subdivision 4, is amended to read:

11.16 Subd. 4. **Notice to auditor.** At least 53 days prior to every municipal election, the
11.17 municipal clerk shall provide a written notice to the county auditor, including the date of
11.18 the election, the offices to be voted on at the election, and the title and language for each
11.19 ballot question to be voted on at the election. Not less than 46 days before the election, the
11.20 municipal clerk must provide written notice to the county auditor of any special election
11.21 canceled under section 205.10, subdivision 6.

11.22 **EFFECTIVE DATE.** This section is effective for elections held after June 1, 2008.

11.23 Sec. 18. Minnesota Statutes 2006, section 205A.05, is amended by adding a
11.24 subdivision to read:

11.25 Subd. 3. **Cancellation.** A special election ordered by the school board on its own
11.26 motion under subdivision 1 may be canceled by motion of the school board, but not less
11.27 than 46 days before the election.

11.28 **EFFECTIVE DATE.** This section is effective for elections held after June 1, 2008.

11.29 Sec. 19. Minnesota Statutes 2006, section 205A.07, subdivision 3, is amended to read:

Subd. 3. **Notice to auditor.** At least 53 days prior to every school district election, the school district clerk shall provide a written notice to the county auditor of each county in which the school district is located. The notice must include the date of the election, the offices to be voted on at the election, and the title and language for each ballot question to be voted on at the election. For the purposes of meeting the timelines of this section, in a bond election, a notice, including a proposed question, may be provided to the county auditor prior to receipt of a review and comment from the commissioner of education and prior to actual initiation of the election. Not less than 46 days before the election, the school district clerk must provide written notice to the county auditor of any special election canceled under section 205A.05, subdivision 3.

EFFECTIVE DATE. This section is effective for elections held after June 1, 2008.

Sec. 20. Minnesota Statutes 2006, section 205A.07, subdivision 3a, is amended to read:

Subd. 3a. **Notice to commissioner of education.** At least 49 days prior to every school district election, under section 123B.62, 123B.63, 126C.17, 126C.69, or 475.58, the school district clerk shall provide a written notice to the commissioner of education. The notice must include the date of the election and the title and language for each ballot question to be voted on at the election. Not less than 46 days before the election, the school district clerk must provide a written notice to the commissioner of education of any special election canceled under section 205A.05, subdivision 3. The certified vote totals for each ballot question shall be provided in a written notice to the commissioner in a timely manner.

EFFECTIVE DATE. This section is effective for elections held after June 1, 2008.

Sec. 21. Minnesota Statutes 2006, section 206.89, subdivision 1, is amended to read:

Subdivision 1. **Definition.** For purposes of this section "postelection review official" means the ~~election administration official who is responsible for the conduct of elections in a precinct selected for review under this section~~ county auditor, unless the county auditor designates the municipal clerk as the "postelection review official" within 24 hours after the canvass of the state general election.

Sec. 22. Minnesota Statutes 2006, section 206.89, subdivision 5, is amended to read:

Subd. 5. **Additional review.** (a) If the postelection review in one of the reviewed precincts reveals a difference greater than one-half of one percent, or greater than two votes in a precinct where 400 or fewer voters cast ballots, the postelection review

official must, within two days, conduct an additional review of the races indicated in subdivision 3 in at least three precincts in the same jurisdiction where the discrepancy was discovered. If all precincts in that jurisdiction have been reviewed, the county auditor must immediately publicly select by lot at least three additional precincts for review. The postelection review official must complete the additional review within two days after the precincts are selected and report the results immediately to the county auditor. If the second review in any of the reviewed precincts also indicates a difference in the vote totals compiled by the voting system that is greater than one-half of one percent from the result indicated by the postelection review, or greater than two votes in a precinct where 400 or fewer voters cast ballots, the county auditor must conduct a review of the ballots from all the remaining precincts in the county for the races indicated in subdivision 3. This review must be completed no later than six weeks after the state general election.

(b) If the results from the countywide reviews from one or more counties comprising in the aggregate more than ten percent of the total number of persons voting in the election clearly indicate that an error in vote counting has occurred, the postelection review official must conduct a manual recount of all the ballots in the district for the affected office. The recount must be completed and the results reported to the appropriate canvassing board no later than ten weeks after the state general election.

Sec. 23. Minnesota Statutes 2006, section 211A.02, subdivision 2, is amended to read:

Subd. 2. **Information required.** The report to be filed by a candidate or committee must include:

(1) the name of the candidate or ballot question;

(2) the printed name and, address, telephone number, signature, and e-mail address, if available, of the person responsible for filing the report;

(3) the total amount of receipts and expenditures for the period from the last previous report to five days before the current report is due;

(4) the amount, date, and purpose for each expenditure; and

(5) the name, address, and employer, or occupation if self-employed, of any individual or committee that during the year has made one or more contributions that in the aggregate ~~are equal to or greater than~~ exceed \$100, and the amount and date of each contribution. The filing officer must restrict public access to the address of any individual who has made a contribution that exceeds \$100 and who has filed with the filing officer a written statement signed by the individual that withholding the individual's address from the financial report is required for the safety of the individual or the individual's family.

14.1 **EFFECTIVE DATE.** This section is effective the day following final enactment,
14.2 and applies to contributions made after December 31, 2007. However, if a candidate
14.3 or committee has filed a report before the effective date of this section that includes
14.4 contributions made after December 31, 2007, the candidate or committee does not need to
14.5 amend or refile that report.

14.6 Sec. 24. Minnesota Statutes 2006, section 211A.05, subdivision 1, is amended to read:

14.7 Subdivision 1. **Penalty.** A candidate who intentionally fails to file a report required
14.8 by section 211A.02 or a certification required by this section is guilty of a misdemeanor.
14.9 The treasurer of a committee formed to promote or defeat a ballot question who
14.10 intentionally fails to file a report required by section 211A.02 or a certification required
14.11 by this section is guilty of a misdemeanor. Each candidate or treasurer of a committee
14.12 formed to promote or defeat a ballot question shall certify to the filing officer that all
14.13 reports required by section 211A.02 have been submitted to the filing officer or that the
14.14 candidate or committee has not received contributions or made disbursements exceeding
14.15 \$750 in the calendar year. The certification shall be submitted to the filing officer no
14.16 later than seven days after the general or special election. The secretary of state shall
14.17 prepare blanks for this certification. An officer who issues a certificate of election to a
14.18 candidate who has not certified that all reports required by section 211A.02 have been
14.19 filed is guilty of a misdemeanor.

14.20 Sec. 25. **REPORT.**

14.21 No later than 180 days after the date of a general election, the secretary of state
14.22 shall report to the house of representatives and senate committees with jurisdiction over
14.23 elections the number of incidents where a legal noncitizen voted at that general election.

14.24 **EFFECTIVE DATE.** This section is effective August 1, 2008.

14.25 Sec. 26. **REPEALER.**

14.26 Minnesota Statutes 2006, sections 203B.02, subdivision 1a; and 203B.13,
14.27 subdivision 3a, are repealed.

14.28 Sec. 27. **EFFECTIVE DATE.**

14.29 Unless otherwise noted, all sections in this article are effective on June 1, 2008.

ARTICLE 2

TECHNICAL MODIFICATIONS

Section 1. Minnesota Statutes 2006, section 103C.305, subdivision 3, is amended to read:

Subd. 3. **Ballots.** Ballots shall be prepared by the county auditor. The names of candidates shall be placed on the "canary ballot" described in section 204D.11, subdivision 3. The office title printed on the ballot must be either "Soil and Water Conservation District Supervisor" or "Conservation District Supervisor," based upon the district from which the supervisor is to be elected.

Sec. 2. Minnesota Statutes 2006, section 201.054, subdivision 1, is amended to read:

Subdivision 1. **Registration.** An individual may register to vote:

(1) at any time before the 20th day preceding any election as provided in section 201.061, subdivision 1;

(2) on the day of an election as provided in section 201.061, subdivision 3; or

(3) when submitting an absentee ballot, by enclosing a completed registration ~~card~~ application as provided in section 203B.04, subdivision 4.

Sec. 3. Minnesota Statutes 2006, section 201.061, subdivision 4, is amended to read:

Subd. 4. **Registration by election judges; procedures.** Registration at the polling place on election day shall be conducted by the election judges. The election judge who registers an individual at the polling place on election day shall not handle that voter's ballots at any time prior to the opening of the ballot box after the voting ends. Registration ~~cards~~ applications and forms for oaths shall be available at each polling place. If an individual who registers on election day proves residence by oath of a registered voter, the form containing the oath shall be attached to the individual's registration ~~card~~ application. Registration ~~cards~~ applications completed on election day shall be forwarded to the county auditor who shall add the name of each voter to the registration system unless the information forwarded is substantially deficient. A county auditor who finds an election day registration substantially deficient shall give written notice to the individual whose registration is found deficient. An election day registration shall not be found deficient solely because the individual who provided proof of residence was ineligible to do so.

Sec. 4. Minnesota Statutes 2006, section 201.071, subdivision 3, is amended to read:

Subd. 3. **Deficient registration.** No voter registration application is deficient if it contains the voter's name, address, date of birth, current and valid Minnesota driver's license number or Minnesota state identification number, or if the voter has no current and valid Minnesota driver's license or Minnesota state identification number, the last four digits of the voter's Social Security number, if the voter has been issued a Social Security number, prior registration, if any, and signature. The absence of a zip code number does not cause the registration to be deficient. Failure to check a box on an application form that a voter has certified to be true does not cause the registration to be deficient. The election judges shall request an individual to correct a voter registration application if it is deficient or illegible ~~or if the name or number of the voter's school district is missing or obviously incorrect.~~ No eligible voter may be prevented from voting unless the voter's registration application is deficient or the voter is duly and successfully challenged in accordance with section 201.195 or 204C.12.

A voter registration application accepted prior to August 1, 1983, is not deficient for lack of date of birth. The county or municipality may attempt to obtain the date of birth for a voter registration application accepted prior to August 1, 1983, by a request to the voter at any time except at the polling place. Failure by the voter to comply with this request does not make the registration deficient.

A voter registration application accepted before January 1, 2004, is not deficient for lack of a valid Minnesota driver's license or state identification number or the last four digits of a Social Security number. A voter registration application submitted by a voter who does not have a Minnesota driver's license or state identification number, or a Social Security number, is not deficient for lack of any of these numbers.

Sec. 5. Minnesota Statutes 2006, section 201.071, subdivision 4, is amended to read:

Subd. 4. **Change of registration.** ~~Any A~~ county auditor who receives a registration ~~card~~ application indicating that an individual was previously registered in a different county in Minnesota shall ~~notify the county auditor of that county~~ update the voter's record electronically through the statewide registration system in the manner prescribed ~~in the rules of~~ by the secretary of state. ~~A county auditor receiving a registration card indicating that a voter was previously registered in a different precinct in the same county or receiving a notification as provided in this subdivision shall remove that individual's voter registration card from the files.~~ ~~Any A~~ county auditor who receives a registration ~~card~~ application or notification requiring a change of registration records under this subdivision as a result of an election day registration shall also check the statewide

17.1 registration system to determine whether the individual voted in more than one precinct in
17.2 the most recent election.

17.3 Sec. 6. Minnesota Statutes 2006, section 201.081, is amended to read:

17.4 **201.081 REGISTRATION FILES.**

17.5 The statewide registration system is the official record of registered voters. The
17.6 voter registration ~~cards~~ applications and the terminal providing access to the statewide
17.7 registration system must be under the control of the county auditor or the public official to
17.8 whom the county auditor has delegated the responsibility for maintaining voter registration
17.9 records. The voter registration ~~cards~~ applications and terminals providing access to the
17.10 statewide registration system must not be removed from the control of the county auditor
17.11 except as provided in this subdivision. The county auditor may make photographic copies
17.12 of voter registration ~~cards~~ applications in the manner provided by section 138.17.

17.13 A properly completed voter registration ~~card~~ application that has been submitted to
17.14 the secretary of state or a county auditor must be maintained by the secretary of state or
17.15 the county auditor for at least 22 months after the date that the information on the ~~card~~
17.16 application is entered into the database of the statewide registration system. The secretary
17.17 of state or the county auditor may dispose of the ~~cards~~ applications after retention for 22
17.18 months in the manner provided by section 138.17.

17.19 Sec. 7. Minnesota Statutes 2006, section 201.091, subdivision 1, is amended to read:

17.20 Subdivision 1. **Master list.** Each county auditor shall prepare and maintain a
17.21 current list of registered voters in each precinct in the county which is known as the
17.22 master list. The master list must be created by entering each completed voter registration
17.23 ~~card~~ application received by the county auditor into the statewide registration system. It
17.24 must show the name, residence address, and date of birth of each voter registered in
17.25 the precinct. The information contained in the master list may only be made available
17.26 to public officials for purposes related to election administration, jury selection, and in
17.27 response to a law enforcement inquiry concerning a violation of or failure to comply with
17.28 any criminal statute or state or local tax statute.

17.29 Sec. 8. Minnesota Statutes 2006, section 201.091, subdivision 8, is amended to read:

17.30 Subd. 8. **Registration places.** Each county auditor shall designate a number of
17.31 public buildings in those political subdivisions of the county where preregistration of
17.32 voters is allowed as provided in section 201.061, subdivision 1, where eligible voters may
17.33 register to vote. At least one public building must be designated for each 30,000 residents

of the county. At least one telecommunications device for the deaf must be available for voter registration information in each county seat and in every city of the first, second, and third class.

An adequate supply of registration ~~cards~~ applications and instructions must be maintained at each designated location, and a designated individual must be available there to accept registration ~~cards~~ applications and transmit them to the county auditor.

A person who, because of disability, needs assistance in order to determine eligibility or to register must be assisted by a designated individual. Assistance includes but is not limited to reading the registration form and instructions and filling out the registration form as directed by the eligible voter.

Sec. 9. Minnesota Statutes 2006, section 201.27, subdivision 1, is amended to read:

Subdivision 1. **Intentional violation.** No officer, deputy, clerk, or other employee shall intentionally:

(1) fail to perform or enforce any of the provisions of this chapter except subdivision 2;

(2) remove a registration ~~card~~ application or record from its proper place in the registration files in a manner or for a purpose not authorized by law;

(3) destroy or make an unauthorized change to a record required to be kept by this chapter; or

(4) add a name or names to the voter registration files, records, or ~~cards~~ applications, except as authorized by law.

An individual who violates this subdivision is guilty of a felony.

Sec. 10. Minnesota Statutes 2006, section 203B.04, subdivision 1, is amended to read:

Subdivision 1. **Application procedures.** Except as otherwise allowed by subdivision 2 or by section 203B.11, subdivision 4, an application for absentee ballots for any election may be submitted at any time not less than one day before the day of that election. The county auditor shall prepare absentee ballot application forms in the format provided by the secretary of state, notwithstanding rules on absentee ballot forms, and shall furnish them to any person on request. By January 1 of each even-numbered year, the secretary of state shall make the forms to be used available to auditors through electronic means. An application submitted pursuant to this subdivision shall be in writing and shall be submitted to:

(a) the county auditor of the county where the applicant maintains residence; or

(b) the municipal clerk of the municipality, or school district if applicable, where the applicant maintains residence.

An application shall be approved if it is timely received, signed and dated by the applicant, contains the applicant's name and residence and mailing addresses, and states that the applicant is eligible to vote by absentee ballot for one of the reasons specified in section 203B.02. The application may contain a request for the voter's date of birth, which must not be made available for public inspection. An application may be submitted to the county auditor or municipal clerk by an electronic facsimile device. An application mailed or returned in person to the county auditor or municipal clerk on behalf of a voter by a person other than the voter must be deposited in the mail or returned in person to the county auditor or municipal clerk within ten days after it has been dated by the voter and no later than six days before the election. The absentee ballot applications or a list of persons applying for an absentee ballot may not be made available for public inspection until the close of voting on election day.

An application under this subdivision may contain an application under subdivision 5 to automatically receive an absentee ballot application.

Sec. 11. Minnesota Statutes 2006, section 203B.04, subdivision 4, is amended to read:

Subd. 4. **Registration at time of application.** An eligible voter who is not registered to vote but who is otherwise eligible to vote by absentee ballot may register by including a completed voter registration ~~card~~ application with the absentee ballot. The individual shall present proof of residence as required by section 201.061, subdivision 3, to the individual who witnesses the marking of the absentee ballots. A military voter, as defined in section 203B.01, may register in this manner if voting pursuant to sections 203B.04 to 203B.15, or may register pursuant to sections 203B.16 to 203B.27.

Sec. 12. Minnesota Statutes 2006, section 203B.05, subdivision 2, is amended to read:

Subd. 2. **City, school district, and town elections.** For city, town, and school district elections not held on the same day as a statewide election, ~~for school district elections not held on the same day as a statewide election, and for town elections conducted under the Australian ballot system,~~ applications for absentee ballots shall be filed with the city, school district, or town clerk and the duties prescribed by this chapter for the county auditor shall be performed by the city, school district, or town clerk unless the county auditor agrees to perform those duties on behalf of the city, school district, or town clerk. The costs incurred to provide absentee ballots and perform the duties prescribed by this subdivision shall be paid by the city, town, or school district holding the election.

Notwithstanding any other law, this chapter applies to school district elections held on the same day as a statewide election or an election for a county or municipality wholly or partially within the school district.

Sec. 13. Minnesota Statutes 2006, section 203B.07, subdivision 1, is amended to read:

Subdivision 1. **Delivery of envelopes, directions.** The county auditor or the municipal clerk shall prepare, print, and transmit a return envelope, a ballot envelope, and a copy of the directions for casting an absentee ballot to each applicant whose application for absentee ballots is accepted pursuant to section 203B.04. The directions for casting an absentee ballot shall be printed in at least 14-point bold type with heavy leading and may be printed on the ballot envelope. When a person requests the directions in Braille or on cassette tape, the county auditor or municipal clerk shall provide them in the form requested. The secretary of state shall prepare Braille and cassette copies and make them available.

When a voter registration ~~card~~ application is sent to the applicant as provided in section 203B.06, subdivision 4, the directions or registration ~~card~~ application shall include instructions for registering to vote.

Sec. 14. Minnesota Statutes 2006, section 203B.08, subdivision 3, is amended to read:

Subd. 3. **Procedures on receipt of ballots.** When absentee ballots are returned to a county auditor or municipal clerk, that official shall stamp or initial and date the return envelope ~~with an official seal of the office~~ and place it in a secure location with other return envelopes received by that office. The county auditor or municipal clerk shall deliver to the appropriate election judges on election day all ballots received before or with the last mail delivery by the United States Postal Service on election day. A town clerk may request the United States Postal Service to deliver absentee ballots to the polling place on election day instead of to the official address of the town clerk.

Sec. 15. Minnesota Statutes 2006, section 203B.10, is amended to read:

203B.10 DELIVERY OF ABSENTEE BALLOT APPLICATIONS TO ELECTION JUDGES.

(a) On the day before an election:

~~(a)~~ (1) the county auditor shall deliver to the municipal clerks within that county the applications for absentee ballots theretofore received and endorsed as provided in section 203B.06, subdivision 5; and

21.1 ~~(b)~~ (2) the municipal clerks shall deliver the applications received from the county
21.2 auditor and the applications for absentee ballots filed with their respective offices and
21.3 endorsed as provided in section 203B.06, subdivision 5, to the appropriate election
21.4 judges. Applications received on election day pursuant to section 203B.04, subdivision
21.5 2, shall be promptly delivered to the election judges in the precincts or to the judges of
21.6 an absentee ballot board.

21.7 (b) Delivery of the applications to the municipal clerks and election judges in the
21.8 precinct is not required if the absentee ballot envelopes have been accepted or rejected
21.9 by an absentee ballot board pursuant to section 203B.13.

21.10 Sec. 16. Minnesota Statutes 2006, section 204B.06, subdivision 8, is amended to read:

21.11 Subd. 8. **Proof of eligibility.** A candidate for judicial office or for the office of
21.12 county attorney shall submit with the affidavit of candidacy proof that the candidate is
21.13 licensed to practice law in this state. Proof means providing a copy of a current attorney
21.14 license.

21.15 A candidate for county sheriff shall submit with the affidavit of candidacy proof of
21.16 licensure as a peace officer in this state. Proof means providing a copy of a current Peace
21.17 Officer Standards and Training Board license.

21.18 **EFFECTIVE DATE.** This section is effective for elections held after June 1, 2008.

21.19 Sec. 17. Minnesota Statutes 2006, section 204B.08, subdivision 3, is amended to read:

21.20 Subd. 3. **Number of signatures.** The number of signatures required on a
21.21 nominating petition shall be as follows:

21.22 (a) for a federal or state office voted on statewide ~~or for United States senator~~, one
21.23 percent of the total number of individuals voting in the state at the last preceding state
21.24 general election, or 2,000, whichever is less;

21.25 (b) for a congressional office, five percent of the total number of individuals voting
21.26 in the district at the last preceding state general election, or 1,000, whichever is less;

21.27 (c) for a county or legislative office, ten percent of the total number of individuals
21.28 voting in the county or legislative district at the last preceding state or county general
21.29 election, or 500, whichever is less;

21.30 (d) for a municipal office in a city of the first class, the number specified in section
21.31 205.121; and

21.32 (e) for any other municipal or school district office, ten percent of the total number
21.33 of individuals voting in the municipality, ward, school district, or other election district

22.1 at the last preceding municipal, or school district if applicable, general election, or 500,
22.2 whichever is less.

22.3 Sec. 18. Minnesota Statutes 2006, section 205A.10, subdivision 1, is amended to read:

22.4 Subdivision 1. **Materials, ballots.** The school district clerk shall prepare and have
22.5 printed the necessary election materials, including ballots, for a school district election.

22.6 ~~The name of each candidate for office shall be rotated with the names of the other~~
22.7 ~~candidates for the same office so that the name of each candidate appears substantially~~
22.8 ~~an equal number of times at the top, at the bottom, and at each intermediate place in the~~
22.9 ~~group of candidates for that office~~ names must be arranged on school district ballots in the
22.10 manner provided in section 204D.08, subdivision 3, for state elections.

22.11 **EFFECTIVE DATE.** This section is effective for elections held after June 1, 2008.

22.12 Sec. 19. Minnesota Statutes 2006, section 205A.11, subdivision 2, is amended to read:

22.13 Subd. 2. **Combined polling place.** When no other election is being held in two or
22.14 more precincts on the day of a school district election, the school board may designate
22.15 one or more combined polling places at which the voters in those precincts may vote in
22.16 the school district election. In school districts that have organized into separate board
22.17 member election districts under section 205A.12, a combined polling place for a school
22.18 general election must be arranged so that it does not include more than one board member
22.19 election district.

22.20 **EFFECTIVE DATE.** This section is effective for elections held after June 1, 2008.

22.21 Sec. 20. Minnesota Statutes 2006, section 206.82, subdivision 2, is amended to read:

22.22 Subd. 2. **Plan.** ~~(a) Subject to paragraph (b),~~ The municipal clerk in a municipality
22.23 where an electronic voting system is used and the county auditor of a county in which an
22.24 electronic voting system is used in more than one municipality and the county auditor of
22.25 a county in which a counting center serving more than one municipality is located shall
22.26 prepare a plan which indicates acquisition of sufficient facilities, computer time, and
22.27 professional services and which describes the proposed manner of complying with section
22.28 206.80. The plan must be signed, notarized, and submitted to the secretary of state more
22.29 than 60 days before the first election at which the municipality uses an electronic voting
22.30 system. Prior to July 1 of each subsequent general election year, the clerk or auditor
22.31 shall submit to the secretary of state notification of any changes to the plan on file with
22.32 the secretary of state. The secretary of state shall review each plan for its sufficiency and

23.1 may request technical assistance from the Department of Administration or other agency
23.2 which may be operating as the central computer authority. The secretary of state shall
23.3 notify each reporting authority of the sufficiency or insufficiency of its plan within 20 days
23.4 of receipt of the plan. The attorney general, upon request of the secretary of state, may
23.5 seek a district court order requiring an election official to fulfill duties imposed by this
23.6 subdivision or by rules promulgated pursuant to this section.

23.7 ~~(b) Systems implemented by counties and municipalities in calendar year 2006 are~~
23.8 ~~exempt from paragraph (a) and section 206.58, subdivision 4, if:~~

23.9 ~~(1) the municipality has fewer than 10,000 residents; and~~

23.10 ~~(2) a valid county plan was filed by the county auditor of the county in which the~~
23.11 ~~municipality is located.~~

23.12 Sec. 21. Laws 2004, chapter 293, article 1, section 37, subdivision 2, is amended to
23.13 read:

23.14 Subd. 2. **Social Security number.** A voter must not be included on the list of voters
23.15 prepared under Minnesota Statutes, section 201.121, subdivision 1, whose registration is
23.16 incomplete because of a failure to match the last four digits of the voter's Social Security
23.17 number until the commissioner of public safety has:

23.18 (1) entered into an agreement with the commissioner of the Social Security
23.19 Administration under Minnesota Statutes, section 201.1615, regarding the use of the last
23.20 four digits of a Social Security number to verify voter registration information;

23.21 ~~(2) assembled a complete and current database of the last four digits of the Social~~
23.22 ~~Security number of each resident of this state as maintained by the Social Security~~
23.23 ~~Administration; and~~

23.24 ~~(3)~~ (2) certified, along with the secretary of state, that the voter registration system
23.25 has been tested and shown to properly verify the last four digits of a voter's Social
23.26 Security number.

23.27 **EFFECTIVE DATE.** This section is effective retroactively to November 29, 2007.

23.28 Sec. 22. **EFFECTIVE DATE.**

23.29 Unless otherwise specified, all sections in this article are effective on June 1, 2008.